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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,401	01/31/2007	Michael Hobbs	040857/310567	2364
826 7590 02/11/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER AMORES, KAREN J				
ART UNIT 3616		PAPER NUMBER		
MAIL DATE 02/11/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,401

Applicant(s)

HOBBS, MICHAEL

Examiner

KAREN AMORES

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-37 and 45-50 is/are rejected.
- 7) ☒ Claim(s) 38-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date 4/20/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 32 – 37 and 45 – 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Infante, WO 97/09223 (“Infante”). Infante discloses a vehicle including a chassis having a fore and aft axis (fig. 1), a differential gear (16) having a differential carrier, the differential carrier being pivotably mounted relative to the chassis about said axis (fig. 8), the differential gear having two opposite half shafts (20), each half shaft being connected to a respective wheel hub (fig. 4), the vehicle further including two opposite tie rods (23 or 8), each said wheel hub having one end of a respective tie rod (28) pivotably connected thereto, the other end of the respective tie rod being pivotably connected to the chassis (fig. 11), the differential carrier and the chassis having a control arm (15) pivotably attached therebetween, whereby on cornering of the vehicle

the control arm constrains the differential carrier to pivot relative to said chassis, in a predetermined manner.

5. In reference to claims 33 – 37 and 45 – 49, Infante further discloses the respective tie rods are pivotably mounted on a common upper collar (22), the upper collar being pivotably mounted on the chassis above the differential carrier (fig. 6); wherein the upper collar is coaxially mounted on an upper cylindrical member (5) of the chassis; wherein two further opposite tie rods (17) are provided below the respective half shafts; wherein said further tie rods are pivotably mounted on a common lower collar (12), the lower collar being pivotably mounted on the chassis underneath the differential carrier; wherein the lower collar is coaxially mounted on a lower cylindrical member of the chassis; wherein the vehicle further includes a suspension means (4, 23, and 25) operatively connected between said chassis and respective wheel hubs and having opposite attachment points, said suspension means being operable to permit vertical movement of the chassis relative to the ground; wherein the suspension means includes a chassis arm (29) pivotably connected to the chassis, said chassis arm being pivotably connected to one of said attachment points, the suspension means further comprising opposite compressible suspension units (32), wherein both said units are pivotably connected to said chassis arm, and wherein the chassis arm extends from said upper collar, and is perpendicular to the ground in the upright rest condition of the vehicle (fig. 10); wherein each half shaft is pivotably connected to a respective wheel hub via an outer universal joint (37), wherein each half shaft is pivotably connected to the differential gear with an inner universal joint (40), and wherein at least one of the respective inner and the outer universal joints provides for a change in length of the respective half shaft (20); wherein the vehicle further includes an engine (9), the engine having a

drive output perpendicular to said axis and driving a parallel lay shaft, the lay shaft having a universal joint connected to an input member of the differential gear, the input member being on said axis so as to provide for pivoting of the engine relative to the differential carrier (page 2, lines 9 – 12); wherein the engine is connected to the differential carrier.

6. In reference to claim 50, Infante discloses a drive train assembly (16) for a vehicle including a chassis having a fore and aft axis (fig. 1), a differential carrier and a control arm (14), the differential carrier being pivotably mounted (10) relative to the chassis about said axis, the differential carrier and the chassis having a control arm (14) pivotably attached therebetween, whereby on pivoting of the chassis about said axis the control arm constrains the differential carrier to pivot relative to said chassis, in a predetermined manner.

Allowable Subject Matter

7. Claims 38 – 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571)-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

KAREN AMORES
Examiner
Art Unit 3616

/K. A./
Examiner, Art Unit 3616